	Application No.	Applicant(s)
Notice of Allowability	09/977,173	REMBOSKI ET AL.
	Examiner	Art Unit	
	Carol S. Tsai	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *1/27/05*.

2. ☒ The allowed claim(s) is/are *31-38, 41,, 42, and 44, now renumbered as 1-11*.

3. ☒ The drawings filed on *12 October 2001* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some*   c) ☐ None of the:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
            International Bureau (PCT Rule 17.2(a)).
    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .
    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____ .

DETAILED ACTION

Allowable Subject Matter

1.   Claims 31-38, 41, 42, and 44 are allowed.

2.   The following is an examiner's statement of reasons for allowance:

U. S. Patent No. 5,469,079 to Bouchard et al. in view of U. S. Patent No. 6,272,411 to

Corrado et al. are references closest to the claimed invention. Bouchard et al. in combination

with Ochiai disclose an apparatus for assessing vehicle operator performance, the apparatus

comprising: a sensor fusion module, the sensor fusion module being coupled to a vehicle

condition sensor, a vehicle exterior sensor, an operator condition sensor and an operator activity

sensor respectively providing to the sensor fusion module vehicle condition data, vehicle

environment data, operator condition data and operator activity data, the sensor fusion module

operable to provide a master condition list based on the data received by the sensor fusion

module; and a response selector coupled to the sensor fusion module, the response selector being

operable to determine a current operating condition based upon the master condition list and to

assess an operator action in response to the current operating condition to provide an operator

performance assessment value based upon the master condition list and the operator action.

However, Bouchard et al. in combination with Ochiai do not teach a response selector coupled to

the sensor fusion module, the response selector being operable to determine an operator

cognitive load based upon the master condition list and a current operating condition based upon

the master condition list, and to assess an operator action in response to the current operating

condition and operator cognitive load to provide an operator performance assessment value

based upon the master condition list and the operator action; and including all of the other

limitations in the respective independent claims.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Contact Information

3.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224.

The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S.

Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any

inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-

2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging

FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice

may be used for filing papers not requiring a fee. It may also be used for filing papers which

require a fee by applicants who authorize charges to a PTO deposit account. Please identify the

examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800

will be promptly forwarded to the examiner.

Carol S. W. Tsai
Primary Examiner
Art Unit 2857

03/07/05